

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID ANDREW CHURCH,

Petitioner,

Case No. 1:09-cv-883

v.

Honorable Paul L. Maloney

BLAINE LAFLER,

Respondent.

ORDER

This is a habeas corpus action filed by a state prisoner under 28 U.S.C. § 2254. On January 4, 2010, the Court entered an order (docket #10) dismissing Petitioner's unexhausted claims, staying the habeas action and administratively closing the case pending Petitioner's exhaustion of his available state-court remedies as fully described the order. The Court allowed 28 days for Petitioner to file in the Eaton County Circuit Court a motion for relief from judgment under Michigan Court Rule 6.502, raising all of his unexhausted claims. The Court ordered that, if Petitioner was unsatisfied with the circuit court's decision on those claims, he was required to appeal to both the Michigan Court of Appeals and the Michigan Supreme Court. After exhausting his state-court remedies, Petitioner was required to file a motion to amend his petition in this Court within 28 days of the final decision of the Michigan Supreme Court. Petitioner was warned that if he failed to comply with the deadlines imposed in the order, the Court would dismiss his case without prejudice for want of prosecution.

It has now come to the Court's attention that Petitioner has wholly failed to comply with the January 4, 2010 order. Accordingly, the Court will reopen the case, lift the stay, and enter a judgment dismissing the action without prejudice.

IT IS SO ORDERED.

Dated: February 6, 2013

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge